

ORDER

Subject: - Cancellation of licence No. 211 of 2007 dated 01.09.2007 granted for development of group housing colony over an area measuring 10.90 acres in the revenue estate of village Bhatoli, Sector 22, Yamuna Nagar.

Whereas license No. 211 of 2007 dated 01.09.2007 was granted in favour of individual land owners in collaboration with BG Agritech Pvt. Ltd. in joint venture with Ansal Properties and Infrastructure Ltd. for development of group housing colony over an area measuring 10.90 acres in the revenue estate of village Bhatoli, Sector 22, Yamuna Nagar, which was valid upto 31.08.2009. The license is required to be renewed beyond 31.08.2009 after submitting application on prescribed proforma LC-VI, in accordance with the provisions of Rule 13 of Rules 1976 alongwith requisite renewal fee, but company has failed to do so. Inter-alia, one of the terms and conditions of the license was that the licensee shall comply with the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 and Rules framed thereunder and the terms and conditions of the agreement/ bilateral agreement executed with the Director, but it was noticed that licensee had failed to pay the External Development Charges alongwith interest update as per the schedule issued by the Department. It was also observed that the bank guarantees deposited on account of EDC and IDW stands lapsed on 03.07.2010.

2. In view of these violations, the license was liable to be cancelled. However, before taking final decision in this regard, notice under Rule 18(1) & 18(2) of Rules 1976 were issued vide memo dated 24.09.2015 & 24.11.2015 respectively giving opportunity to remove the deficiencies noticed in the license within prescribed time limit. An opportunity of hearing under Rule 18(3) of Rules 1976 was also granted for 17.02.2016 to the company to explain its position in this regard, which was further adjourned to 18.04.2016 & then 22.06.2016.

3. Sh. Karan Sharma, authorized signatory of the company appeared on 22.06.2016 and apprised that application under migration policy dated 18.02.2016 is being submitted for grant of license under DDJAY for the area involved in the present license. The representative of the company was informed that the license in question has not been got renewed after making payment of requisite renewal fee till date, therefore, same may be got renewed, so that application under migration policy for grant of license under DDJAY could be processed further.

4. However, the company has failed to deposit requisite renewal fee for revival of the license as per directions issued on 22.06.2016, therefore, the application submitted under migration policy for grant of license under DDJAY i.e. LC-3343 was returned in original under Rule 7 of Rules 1976 vide memo dated 29.08.2016. A final opportunity of hearing in the matter was again granted by my predecessor on 28.06.2017, on which nobody appeared for hearing. Since, the application submitted for grant of license under DDJAY stands returned on account of non-deposit of requisite renewal fee, therefore, the present license deserves to be cancelled on account of the shortcomings mentioned under para-1 above.

5. In view of above facts and submissions, I hereby order to cancel the license No. 211 of 2007 dated 01.09.2007 granted for development of group housing colony over an area measuring 10.90 acres in the revenue estate of village Bhatoli Sector 22, Yamuna Nagar under section 8 of the Act 8 of 1975 and Rules framed thereunder as the colonizer has contravened the conditions of the licence and the provisions of Act/Rules *ibid*.

6. Now it is directed to proceed under Rule 19 after cancelation of licence The Rule 19 prescribes following:-

19. Development works to be carried out by the Director in the colony [Section 8].— (1) After cancellation of the licence or permission the Director shall by notice in form LC-XI call upon the colonizer to furnish within a specified time an audited statement of accounts duly certified and signed by the chartered accountant showing the amount actually recovered by him from each plot-holder and the amount he has actually spent on development works in the colony. (2) The Director shall also ascertain from the plot-holders the amount, paid by them to the colonizer and the balance amount, if any, to be paid by each of them to the colonizer. (3) The Director shall intimate to the colonizer and the plot-holders the charges he may have to incur on development works in the colony and shall call upon the colonizer and the plot-holders in form LC-XII and LC-XIII to pay these charges within thirty days. In case they fail to pay these charges, the Director, may recover these charges as arrears of land revenue.

Further, the provisions of Section 10A are independent of procedure to be followed in accordance with Rule 19. The Section 10A provides for recovery of outstanding dues, which is reproduced below:-

10A. Recovery of dues.—All dues payable under the Act, which have not been deposited within the time specified, shall be recovered as arrears of land revenue.

7. Accordingly following actions be taken after cancellation of licence as the land of the licensee shall deem to vest with the Government:-

- i) STP, Panchkula should take over the Administration of this licenced colony today itself on behalf and should put up a 'Board' at site indicating that the Administration of this licenced colony has been taken over by the Directorate of Town and Country Planning Department, Haryana.
- ii) A public notice may be issued in the newspapers which should be released by the CTP, Haryana indicating above fact.
- iii) The licensee should be directed under Section 10A of the Act, 1975 to deposit all outstanding dues on account of EDC, IDC etc. and also to give the information of sold and unsold properties within a period of 15 days from today i.e. information in terms of rules 26(2) and 28 of Rules 1976 so that the unsold properties can be disposed to recover the government dues. The outstanding dues should be calculated till the date of cancellation of licence.
- iv) A communication may be sent to the Collector, Yamuna Nagar for declaring the dues as arrears of land revenue which may be recovered from them under the provisions of relevant Act either by sale of property or by resorting to other permissible methods including arrest of the licensees. In order to restrict 3rd party right on the instant licenced area Deputy Commissioner and Sub-Registrar may be directed not to register any sale deed against the licence land. Regarding cut of date for registration of properties same may be taken as today i.e. the date on which Department has imposed an embargo on sale of property.

- v) The details of Accounts of the allottees to be maintained at the level of STP, Panchkula. An account may be opened in the name of Director in this regard. All the allottees if any, may deposit the balance installment with STP, Panchkula who will maintain the account of each and every plot holder.
- vi) A committee may be constituted under the Chairmanship of Administrator, HSVP Panchkula, STP, Panchkula will be Member Secretary and DTP, Yamuna Nagar, XEN, HSVP, will be the Members of the Committee who will take over the colony for carrying out further necessary action.
- vii) A file may be separately submitted for debarring the present Directors of all the companies for grant of any further licence in this State of Haryana. The desirability of issuing Show Cause Notices for cancellation of their existing licences, if any, may also be examined.

Place: Chandigarh
Dated:

-Sd/-
(K. Makrand Pandurang)
Director,
Town and Country Planning,
Haryana, Chandigarh

Endst No. LC-806A-ATP(B)/2018/ 25525-34

Dated:- 04-09-2018

A copy is forwarded to the following for information and further necessary action:-

1. BG Agritech Pvt. Ltd. & others in joint venture with Anal Properties & Infrastructure Ltd. 115, Ansal Bhawan, 16 KG Marg, New Delhi. with the direction under section 10A of the Act, 1975 to deposit all outstanding dues on account of EDC etc. and also to give the information of sold and unsold properties within a period of 15 days from today i.e. information in terms of Rule 26(2) and 28 of Rule 1976 so that unsold properties can be disposed to recover the Government dues.
2. Chief Administrator, HSVP, Sector-6, Panchkula.
3. Administrator, HSVP, Faridabad,
4. Deputy Commissioner, Yamuna Nagar with the request to recover the above said outstanding dues as arrears of the land revenue in accordance with the orders as above. In order to restrict third party rights on the instant licensed area, it may be ensured that no sale deed against the licensed land may be executed/registered in future.
5. Chief Engineer, HSVP, Sector-6, Panchkula.
6. Senior Town Planner, Panchkula with the request to take over the administration of the licensed colony with immediate effect on behalf of DTCP and take all necessary action as per above orders of DTCP, Hr.
7. District Town Planner, Yamuna Nagar.
8. Executive Engineer, HSVP, Yamuna Nagar.
9. Chief Account Officer of this Directorate with the request to communicate update outstanding dues against the license to the licensee as well as STP, Panchkula.
10. Website Administrator with the request to update the status on Departmental website and upload these orders for information of General Public.

-Sd/-
(Vijender Singh)
District Town Planner (HQ)
For Director, Town & Country Planning
Haryana, Chandigarh